

**Remarks**

Applicants request a reconsideration of the present patent application in view of the above amendments and following remarks. Claim 13 has been amended and claims 1, 3-12, 15 and 21-23 have been cancelled. Therefore, claims 13, 14 and 16-20 are pending in the application.

Claim 13 has been amended to state that after the choosing step, a determination if a local signal chosen from the plurality of preferred local stations is available (i.e. being successfully tuned and received) and, if not, commencing a search for the local station or another available signal on the list of preferred local stations. See *Specification*, original claim 15; FIG. 6. Further, claim 13 has been amended to reintroduce monitoring for a signal interrupt and detecting the signal interrupt in order to interrupt the national broadcast when such signal interrupt is received, which was deleted in the previously filed response mailed on February 15, 2007. Applicants request that these amendments be entered.

Claims 1, 3, 4, 6-13, 15, 17, 19 and 23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,741,834 to Godwin ("the Godwin reference") in view of the U.S. Patent Publication No. 2002/0099882 to Denda et al. ("the Denda reference"), and U.S. Patent No. 5,797,087 to Lee ("the Lee-087 reference"). Claims 1, 3, 4, 6-12, 15, 17, 19 and 23 have been cancelled, therefore the rejection of these claims is moot. Applicants respectfully traverse the rejection of claim 13 based on the above amendments.

Amended claim 13 is directed to a method for providing seamless transition between national broadcast information and local broadcast information for a

receiver. The method includes the steps of: determining if the receiver is set to a national information mode setting or a local information mode setting; upon determining when the national mode setting is detected, gathering location information of the receiver; downloading an available plurality of preferred local stations that correlate to the gathered location information; choosing a local station from the plurality of preferred local stations; determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations, playing a national broadcast signal; monitoring for a time-slot interrupt or a signal interrupt; detecting the time-slot interrupt or signal interrupt and interrupting the national broadcast signal; and initiating the playing of a local broadcast signal.

Applicants submit that the Godwin reference does not teach or suggest a method including the step of determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations as recited in amended Claim 13. The meaning of "determining" as used in claim 13 is the process of verifying that the chosen local station has been successfully tuned by the receiver through the local analog antenna thus ensuring that there is a local broadcast available to be transitioned to upon a triggering event. *See Specification*, ¶ [0029]. If the verification is successful, then no further searching is commenced. However, if the chosen local station has not been successfully tuned, further searching is initiated. The "searching" that takes place in Claim 13 is the process of attempting to tune to the chosen local station and, if not successful, attempting to

successfully tune to another local station from the available plurality of preferred local stations. See *Specification*, ¶ [0029]. In essence, the system of the present invention contemplates a situation where some of the local stations chosen from the plurality of preferred local stations are not able to be tuned (not available), and provides a method to compensate for the unavailability of one local station by performing a searching function and tuning to an alternate available local station.

The Godwin reference teaches the transmission of a satellite signal that comprises national information and local information for an abundance of localities across a national broadcast region. See *Godwin*, Col. 5, line 30-34. However, unlike the instant invention, the satellite transmission scheme of Godwin allocates a substantial amount of national service provider satellite bandwidth to local programming and optional EPG information; much of which is filtered out at a terrestrial repeater which then provides only the information intended for its associated geographical location. See *Godwin*, FIG. 6A, reference numeral 606; FIG. 6B, reference numeral 618. For example, in the Godwin disclosure, a local Boston news broadcast received from a satellite is filtered out in a San Francisco terrestrial repeater because that local Boston information is not intended to be received in San Francisco. The above description of the transmission scheme of the Godwin reference is reflected in claim 1 of the Godwin reference which states that the satellite signal comprises both national and regional (local) programs, that the broadcast region is determined, and that only information intended for that broadcast region is provided (i.e. filtering the satellite signal). Godwin operates on the premise that signals for all of the intended local stations are available in the satellite signal.

The Godwin reference discloses no mechanism such as searching for, and tuning to a local station if the station chosen is not available. Therefore, should the satellite signal be transmitted without local information, Godwin would fail to provide a signal to which to transition upon a triggering event and therefore lose a significant feature of the invention.

In the present Office Action, the Examiner stated that the Godwin Reference discloses a method wherein after the choosing step, there is a search for a local station chosen from the plurality of preferred local stations. See *Office Action mailed May 15, 2007* ("Office Action"), pg. 9-10. In order to teach this particular feature, the Examiner referred to step 718 in FIG. 7B of the Godwin reference, which provides a step to "[d]etermine if the selected regional media program is intended to be received in the local broadcast region", and column 9, lines 4-7, which states that "[t]his information is used to filter 810 data streams from satellite 108 and the repeater 112, passing media programs that are intended for the local broadcast region (and optionally, neighboring broadcast regions)." Although phrased differently, both citations refer to filtering a satellite signal at the terrestrial repeater level, essentially discarding the unneeded local information relevant to other localities, thereby increasing the bandwidth available to the repeater (as opposed to the satellite). See *Godwin*, Col. 6, lines 21-32. However, rather than a signal filtering scheme, amended Claim 13 refers to searching for available local analog broadcasts from the available plurality of preferred local stations until a there is a successful reception of one of those stations.

The significance of the differences between the method of the Godwin reference and the method of the present invention is best illustrated by examining the problem identification and proposed solution proffered by the Godwin reference and in the present patent application. The system of Godwin is directed to speeding user acceptance of satellite radio by providing national information and local information through the system itself. See *Godwin*, Col. 1, lines 47-53. The transmission of information for multiple regions and the local repeater filtering scheme of Godwin achieves this purpose but also results in a local programming dilution of the satellite bandwidth for national information broadcasting. This is one of the specific problems intended to be solved by the method of the present invention. See *Specification*, ¶ [0007]. The method of the present invention allows a national service provider operating a satellite to remove local information from their satellite's broadcasts and increase their satellite's bandwidth such that more national information and advertising may be broadcast. User acceptance of satellite radio is preserved by ensuring that relevant local information is tuned in and immediately available to be seamlessly transitioned to when there is a time-slot interrupt or a signal interrupt. The Denda and Lee-087 references also fail to teach or suggest the limitations that were lacking in the Godwin reference.

For at least the foregoing reasons, Applicants submit that the combination of references does not teach or suggest all of the limitations included in amended claim 13. Therefore, Applicants request that the rejection of claim 13 be withdrawn. As claims 17 and 19 depend from claim 13, these claims are not taught or suggested by the references of record for at least the same reason that was set forth with respect

to claim 13. Applicants therefore request that the rejection of claims 17 and 19 be withdrawn.

Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Godwin reference in view the Denda reference, and the Lee-087 reference as applied to Claim 3, and in further view of U.S. Patent No. 5,701,161 to Williams et al. ("the Williams reference"). Claim 5 has been cancelled, therefore the rejection of this claim is moot.

Claims 14 and 20 have been rejected under 35 U.S.C § 103(a) as being unpatentable over the Godwin reference in view the Lee-087 reference as applied to Claim 13 and in further view of U.S. Patent Publication No. 2004/0198389 to Alcock et al. ("the Alcock reference").

As stated above with respect to amended claim 13, the combination of references does not teach or suggest a method including determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations as recited in amended claim 13. As claims 14 and 20 depend from claim 13, these claims are not taught or suggested by the references of record for at least the same reason that was set forth with respect to claim 13. The Alcock reference also does not teach or suggest the limitation that was lacking in the Godwin and Lee-087 references. Applicants therefore request that the rejection of claims 14 and 20 be withdrawn.

Claim 16 has been rejected under 35 U.S.C § 103(a) as being unpatentable over the Godwin reference in view of the Lee-087 reference as applied to Claim 13,

and in further view of U.S. Patent No. 6,829,475 to Lee et al. ("the Lee-475 reference").

As stated above with respect to claim 13, the combination of references does not teach or suggest a method including determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations as recited in amended claim 13. As claim 16 depends from claim 13, this claim is not taught or suggested by the references of record for at least the same reason that was set forth with respect to claim 13. The Lee-475 reference also does not teach or suggest the limitation that was lacking in the Godwin and Lee-087 references. Applicants therefore request that the rejection of claim 16 be withdrawn.

Claim 18 has been rejected under 35 U.S.C § 103(a) as being unpatentable over the Godwin reference in view of the Lee-087 reference applied to Claim 13, and in further view of U.S. Patent Publication No. 2004/0192189 to Yuhara et al. ("the Yuhara reference").

As stated above with respect to claim 13, since the combination of references does not teach or suggest a method including determining the availability of the chosen local station and, if not available, searching for the chosen local station or for another available local station chosen from the plurality of preferred local stations as recited in amended claim 13. As claim 18 depends from claim 13, this claim is not taught or suggested by the references of record for at least the same reason that was set forth with respect to claim 13. The Yuhara reference also fails to teach or

suggest the limitation that was lacking in the Godwin and Lee-087 references.

Applicants therefore request that the rejection of claim 18 be withdrawn.

Claim 21 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Godwin reference in view the Denda reference and U.S. Patent Publication No. 2003/0054758 to Kawamata et al. ("the Kawamata reference"). Claim 21 has been cancelled; therefore, the rejection of this claim is moot.

Claim 22 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Godwin reference in view the Denda reference and the Kawamata reference as applied to Claim 1, and in further view of the Lee-087 reference. Claim 22 has been cancelled; therefore, the rejection of this claim is moot.

### **Conclusion**

In light of the foregoing, Applicants submit that claims 13, 14 and 16-20 are in condition for allowance and such allowance is respectfully requested. Should the Examiner feel that any unresolved issues remain in this case, the undersigned may be contacted at the telephone number listed below to arrange for an issue resolving conference.

Applicants do not believe that any fee is due at this time. However, the Commissioner is hereby authorized to charge any fee that may have been overlooked to Deposit Account No. 10-0223.

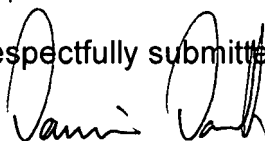


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Respectfully submitted,

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